

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: RICHTER, James Neal : Examiner: CHEN, Te Y
Serial No.: 09/751,934 : Group Art Unit: 2161
Filed: December 29, 2000 : Attorney Docket No.: 55564.80303
For: Automated Adaptive Classification
System For Knowledge Networks : Customer No.: 27526
: Confirmation No.: 8042

Via EFS-Web
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF DOUG WARNER
PURSUANT TO 37 C.F.R. § 1.132

1. I am a professional software developer and principal of RightNow Technologies, Inc. ("RightNow") based in Bozeman, Montana. I have a bachelor of science in computer science, a master of science in psychology and have completed most of the course work for a Ph.D. in computer science and have been with RightNow since May of 1999. I am responsible for product development, sales analysis, research, all aspects of intellectual property and patenting issues.

2. I am an author or co-author of several publications in the field of:

- a) *Organic Knowledge Management for Web-based Customer Service;*
- b) *Adaptive Web Sites: User Studies and Simulation*

- c) *A System for Affective Rating of Texts*
- d) *Information Self-Service with a Knowledge Base That Learns*
- e) *Fuzzy Adaptive Clustering and Classification for Browsable Document Directories*
- f) *Internet Customer Service Using a Self-Learning Knowledge Base*
- g) *Mining User Session Data to Facilitate User Interaction with a Customer Service Knowledge Base in RightNow Web*

3. This Declaration is being presented by me in furtherance of the prosecution of the above-referenced application.

4. I have reviewed the above-referenced application in detail as well as U.S. Patent No. 6,182,133 to Horvitz et al and U.S. Patent No. 5,904,821 to Wical, all of which have been cited during prosecution of the present application. I have compared Hortitz and Wical to the invention as disclosed and now claimed in the present application, herein referred to as "Richter." After reviewing these references, it is my firm conviction that these references do not render the claimed invention obvious.

5. As a clarifying visual aid, I prepared summary drawings of the Horvitz, Wical, and Richter systems to more clearly illuminate the distinctions. These drawings were submitted with a previous office action response and were attached as Exhibit A. These drawings are currently attached to this declaration to show that the drawings are the same.

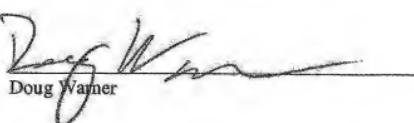
6. Horvitz's teachings do not address many of the steps as claimed by the Applicant and specifically does not disclose, among other steps, ensemble approaches as used specifically in the art to include a suite of independent algorithms operating in concert to produce results from the same input data and then said results are chosen between or combined by a subsequent algorithm. Further, Wical fails to consider the specific use of ensembles, and so can not specifically consider the output or joining of the results of these distinct elements. The combination of Horvitz and Wical would not have been obvious to a person having ordinary skill in the art.

7. There is nothing in the cited references themselves or in the knowledge generally available to a person of ordinary skill in the art that would lead one of ordinary skill in the art to combine Horvitz and Wical.

8. Accordingly, it is my opinion that the present invention is unique and not obvious based upon my experience in the computer industry and in view of the Horvitz and Wical references.

9. I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful, false statements and the like are punishable by fine or imprisonment, or both, under § 1001 if Title 18 of the United States Code, and such willful, false statements may jeopardize the validity of any patents issued from the patent application.

1-MAR-2009
Date


Doug Warner